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Representing the United States of America

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11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

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14 **UNITED STATES OF AMERICA,**
15 **Plaintiff,**
16 **vs.**
17 **FREDRICK J. LEAVITT,**
18 **Defendants.**

19 **CASE NO: 2:17-cr-00391-APG-VCF**

20 **STIPULATION TO VACATE**
HEARING ON DEFENDANT
LEAVITT'S MOTION TO SUPPRESS
[ECF NO. 41]

21 It is hereby stipulated and agreed, by and between Nicholas A. Trutanich, United
22 States Attorney, through Patrick Burns and Steven W. Myhre, Assistant United States
23 Attorneys, and Thomas Pitaro, Esq., counsel for Defendant Frederick J. Leavitt, that the
suppression hearing in the above-captioned matter, scheduled for September 30, 2019, at
10:00 a.m., be vacated.

24 This Stipulation is entered into for the following reasons:

25 1. The Court scheduled a September 30, 2019, 10:00 a.m. hearing on Defendant
Leavitt's motion to suppress his statement, ECF No. 41.

26 2. On September 24, 2019, the Court received a signed guilty plea agreement that

would resolve this case as to Defendant Leavitt. A change of plea hearing is currently scheduled for October 1, 2019 at 10:30 a.m. before United States District Court Judge Andrew P. Gordon.

3. Because a guilty plea in this case would render Defendant Leavitt's motion to suppress moot, the parties request that the September 30, 2019 hearing be vacated.

Dated this 26th day of September, 2019

NICHOLAS A. TRUTANICH
United States Attorney

By: _____
THOMAS PITARO, ESQ.
Counsel for Defendant LEAVITT

By: _____
PATRICK BURNS
STEVEN W. MYHRE
Assistant United States Attorneys

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
vs.
FREDRICK J. LEAVITT,
Defendants.

Case No. 2:17-cr-00391-APG-VCF

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The Court scheduled a September 30, 2019, 10:00 a.m. hearing on Defendant Leavitt's motion to suppress his statement, ECF No. 41.

2. On September 24, 2019, the Court received a signed guilty plea agreement that would resolve this case as to Defendant Leavitt. A change of plea hearing is currently scheduled for October 1, 2019 at 10:30 a.m. before United States District Court Judge Andrew P. Gordon.

3. Because a guilty plea in this case would render Defendant Leavitt's motion to suppress moot, the parties request that the September 30, 2019 hearing be vacated.

For all of the above-stated reasons, the ends of justice would be served best by vacatur of the September 25, 2019 hearing on Defendant Leavitt's motion to suppress, ECF No. 41.

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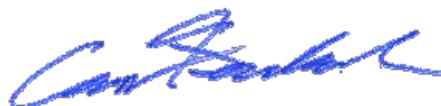
ORDER

2 IT IS ORDERED that the suppression hearing in *United States v. Frederick R. Leavitt*,
3 2:17-CR-00244-APG-NJK, previously scheduled for September 30, 2019 at 10:00 a.m., is
4 vacated.

5 Dated this 26th day of September, 2019

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8 By: 
HON. CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE

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Certificate of Service

I, Patrick Burns, hereby certify that I am an employee of the United States Department of Justice, and that on this day I served a copy of the following: **STIPULATION TO VACATE HEARING ON DEFENDANT LEAVITT'S MOTION TO SUPPRESS [ECF NO. 41]**, upon counsel for all defendants appearing in this matter via the CM/ECF system, by electronically filing said document.

Dated: September 26, 2019

//s// Patrick Burns
PATRICK BURNS
Assistant United States Attorney
District of Nevada